

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

**LAW &
ECONOMICS
CENTER**

ATTORNEYS GENERAL EDUCATION PROGRAM

The Changing Antitrust Frontier:
Study Group for State Solicitors
General & State Attorneys General

Thursday, October 7 - Sunday, October 10, 2021

Washington, DC



THURSDAY, OCTOBER 7

5:00 - 6:30 pm

Registration, *Promenade Foyer*

6:30 pm

Welcome Reception & Dinner, *The Mezzanine/Palm Court*
(*Guests welcome*)

Introductions and Update on the Law & Economics Center

Donald J. Kochan, Professor of Law and Deputy Executive Director,
Law & Economics Center, George Mason University Antonin Scalia Law School

FRIDAY, OCTOBER 8

All sessions held in The Senate Room

7:00 - 7:50 am

Breakfast, *The Cabinet Room*
(*Guests welcome*)

8:00 - 9:15 am

Class 1: The Social Costs of Monopoly

Henry N. Butler, Henry G. Manne Professor of Law and Economics,
Executive Director, Law & Economics Center,
George Mason University Antonin Scalia Law School

Reading Assignment:

Butler, Drahozal, and Shepherd. "Chapter IX: Market Structure and Antitrust,
Economic Analysis for Lawyers." *Third Edition, Carolina Academic Press*, 2014.

Butler, Drahozal, and Shepherd. "Matsushita Elec. Indus. Co. v. Zenith Radio Corp."
pp. 12-17, 515-523.

9:30 - 10:45 am

Class 2: Unilateral and Coordinated Effects in Merger Enforcement

Bruce Kobayashi, Paige V. and Henry N. Butler Chair in Law and Economics,
George Mason University Antonin Scalia Law School

Reading Assignment:

Miller, Nathan and Weinberg, Matthew. "How the MillerCoors Joint Venture
Changed Competition in U.S. Brewing." *Microeconomic Insights*, 2017.

Stigler, George. "Theory of Oligopoly." *72 J. POL. ECON.* 44, 1964.

11:00 am - 12:15 pm

Class 3: Vertical Mergers | Kobayashi

Reading Assignment:

2020 Department of Justice and FTC Merger Guidelines

Kobayashi, Bruce H. and Muris, Timothy J. "Screening Out Innovation: Vertical
Merger Principles and the FTC's Misapplication in the Illumina-GRAIL Case."
Competitive Enterprise Institute Study, 2021.

12:15 - 1:30 pm

Working Lunch: Progressive Eras of Antitrust

Timothy J. Muris, George Mason University Foundation Professor of Law, George Mason University Antonin Scalia Law School (former Chairman, Federal Trade Commission)

Reading Assignment:

Muris, Timothy J. and Nuechterlein, Jonathan E. "Antitrust in the Internet Era: The Legacy of United States v. A&P." *54 Review of Industrial Organization* 650, 2019.

1:30 pm

Adjourn for Day

SATURDAY, OCTOBER 9

All sessions held in The Senate Room

7:00 - 7:50 am

Breakfast, *The Cabinet Room*
(Guests Welcome)

8:00 - 9:15 am

Class 4: Employment Contracts Under Federal Antitrust Law

Alden Abbott, Senior Research Fellow, Mercatus Center at George Mason University (former General Counsel, Federal Trade Commission)

Reading Assignment:

Hochstadt, Eric S. and Pappas, Nicholas J. "Restrictions on Employee Change of Jobs: Antitrust Challenges to "Non-Compete" and "No-Poach" Clauses." 2020.

Testimony of Commissioner Christine Wilson at the Hearing on Reviving Competition, Part IV: 21st Century Antitrust Reforms and the American Worker, *House Judiciary Committee Subcommittee on Antitrust*, September 28, 2021.

9:30 - 10:45 am

Class 5: Liberty, Equality, & Fraternity: Evolution or Revolution in Antitrust

Maureen K. Ohlhausen, Partner and Section Chair - Antitrust & Competition Law, Baker Botts L.L.P. (former Chairman, Federal Trade Commission)

Reading Assignment:

Ohlhausen, Maureen K. "Liberty, Equality, and Fraternity: Evolution or Revolution in Antitrust?" *Antitrust*, Vol. 35, No. 3, Summer 2021.

11:00 am - 12:15 pm

Class 6: Taking the Neo-Brandeisians Literally?—Merger Policy Before the 40 Year "Failed Experiment" | Muris

Reading Assignment:

1968 Department of Justice Merger Guidelines

2010 Department of Justice and FTC Merger Guidelines

Muris, Timothy J. and Nuechterlein, Jonathan E. Chicago and Its Discontents, *87 University of Chicago Law Review* 495, 2020.

AGENDA

12:15 pm

Program Adjourns

SUNDAY, OCTOBER 10

Travel day, participants depart at their leisure